

By Senator Calatayud

38-00151-25

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1 A bill to be entitled

2 An act for the relief of Michael Barnett, individually  
3 and as the natural parent and legal guardian of R.B.,  
4 by the Department of Children and Families; providing  
5 an appropriation to compensate Mr. Barnett and R.B.  
6 for injuries and damages sustained; providing a  
7 limitation on compensation and the payment of attorney  
8 fees; providing an effective date.

9  
10 WHEREAS, in September 2010, Patrick Dell entered the  
11 Riviera Beach residence of his estranged wife, Natasha Whyte-  
12 Dell, where he fatally shot her and four of her children and  
13 severely wounded a fifth child by shooting him in the neck, and

14 WHEREAS, Mr. Dell committed suicide shortly after exiting  
15 the residence, and

16 WHEREAS, several months before the shootings, on January  
17 26, 2010, the abuse hotline of the Department of Children and  
18 Families, hereinafter referred to as "the department," received  
19 a phone call about an incident that occurred in December 2009,  
20 and

21 WHEREAS, according to the police report of the December  
22 2009 incident, while Ms. Whyte-Dell was visiting a friend, Mr.  
23 Dell charged at and threatened Ms. Whyte-Dell with a knife,  
24 verbally threatened to kill her, and flattened all four tires on  
25 her vehicle, and

26 WHEREAS, later that same morning, Mr. Dell was arrested on  
27 charges of aggravated assault with a deadly weapon and criminal  
28 mischief, and

29 WHEREAS, over the course of the following month, the

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30 department conducted an investigation but subsequently closed  
31 the case file on February 25, 2010, after concluding that Ms.  
32 Whyte-Dell's children were not at significant risk of harm, and

33 WHEREAS, Mr. Dell had a prior history of making threats of  
34 violence against Ms. Whyte-Dell and her children, and

35 WHEREAS, the Riviera Beach Police Department had responded  
36 to the Whyte-Dell home 34 times in the 4 years preceding the day  
37 of the shootings, and

38 WHEREAS, 11 of those police responses were for domestic  
39 violence disturbances, and

40 WHEREAS, the department should have had reason to know of  
41 the threats and had numerous opportunities to remove the  
42 children from that dangerous environment, yet did not act and  
43 closed its case file, and

44 WHEREAS, because of the investigator's errors and  
45 omissions, the department failed to follow up on warning signs  
46 that any reasonable investigation should have evaluated,  
47 analyzed, and acted upon, and

48 WHEREAS, Michael Barnett, individually and as the natural  
49 parent and legal guardian of R.B., and as the personal  
50 representative of the estates of D.B., D.B., and B.B., entered  
51 into a settlement agreement and release and a consent final  
52 judgment with the State of Florida and the department, and

53 WHEREAS, per the settlement agreement and release, Michael  
54 Barnett and R.B. agree to accept the total amount of \$160,000,  
55 including attorney fees and costs, and

56 WHEREAS, through the consent final judgment, judgment was  
57 entered in favor of Michael Barnett and R.B. and against the  
58 department in the amount of \$296,400, NOW, THEREFORE,

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Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$296,400 is appropriated from the General Revenue Fund to the Department of Children and Families for the relief of Michael Barnett, individually and as the natural parent and legal guardian of R.B., for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of Michael Barnett and R.B. in the sum of \$296,400 upon funds of the Department of Children and Families in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Department of Children and Families pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Michael Barnett and R.B. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.